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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,793	11/26/2003	Peter Chan	138266SV/YOD GEMS:0251	9097
68174	7590	09/04/2007	EXAMINER	
GE HEALTHCARE c/o FLETCHER YODER, PC P.O. BOX 692289 HOUSTON, TX 77269-2289			DOERRLER, WILLIAM CHARLES	
			ART UNIT	PAPER NUMBER
			3744	
			MAIL DATE	DELIVERY MODE
			09/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,793

Applicant(s)

CHAN, PETER

Examiner

William C. Doerrler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14-17 and 19-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-17, 19-21, 23-35 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 22 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,8,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Giesy et al, Wowk et al or Gershtein et al in view of Storey et al.

Giesy et al, Wowk et al and Gershtein, each disclose applicant's basic inventive concept, a device having a cryogen which maintains a parameter of the cryogen during transport, substantially as claimed with the exception of remotely monitoring the parameter and controlling a cooling system in relation to the parameter. Storey et al shows this feature to be old in the sensitive device transportation art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of either Storey et al to modify the device with a cryogen of any one of Giesy et al, Wowk et al or Gershtein by adding a remote monitoring and control system to ensure that the device maintains the parameter within the predetermined range, from a centralized position, to ensure the state of multiple devices simultaneously from a common control point. In regard to claim 4, adding additional coolant is considered well

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known in the art, such as adding ice or dry-ice to a train car, to enable shipping distances further than the original amount of coolant will last.

Claims 6,9-11,31 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Giesy et al, Wowk et al or Gershtein et al in view of Storey et al as applied to claims 1-5,8,12 and 13 above and further in view of Laskaris (4,492,090).

Giesy et al, Wowk et al and Gershtein, each as modified, disclose applicant's basic inventive concept, a device having a cryogen which maintains a parameter of the cryogen during transport, substantially as claimed with the exception of transporting an imaging device containing a cryogen. Laskaris shows this feature to be old in the imaging device (an NMR machine) transporting art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Laskaris to modify the device with a cryogen of any one of Giesy et al, Wowk et al or Gershtein by using the parameter controls for a cryogen during transport in an imaging device during transport to ensure proper functioning of the imaging device when it arrives at the destination.

Claims 1-5,7,8,13-17 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Storey et al.

Jones discloses applicant's basic inventive concept, a device having a cryogen which maintains a parameter of the cryogen using a refrigeration system during transport, substantially as claimed with the exception of remotely monitoring the parameter and controlling the cooling system remotely. Storey et al shows this feature to be old in the

sensitive device transportation art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of either Storey et al to modify the device with a cryogen of Jones by adding a remote monitoring and control system to ensure that the device maintains the parameter within the predetermined range, from a centralized position, to ensure the state of multiple devices simultaneously from a common control point. In regard to claim 4, adding additional coolant is considered well known in the art, such as adding ice or dry-ice to a train car, to enable shipping distances further than the original amount of coolant will last.

Claims 6,9-11,19,31 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Storey et al as applied to claims 1-5,7,8,13-17 and 40 above and further in view of Laskaris (4,492,090).

Jones, as modified, discloses applicant's basic inventive concept, a device having a cryogen which maintains a parameter of the cryogen by using a refrigeration system during transport, substantially as claimed with the exception of transporting an imaging device containing a cryogen. Laskaris shows this feature to be old in the imaging device (an NMR machine) transporting art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Laskaris to modify the device with a cryogen of Jones by using the parameter controls for a cryogen during transport in an imaging device during transport to ensure proper functioning of the imaging device when it arrives at the destination.

Claims 20,21,25,27-31 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vince et al (2004/0020236) in view of Laskaris.

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Vince et al discloses applicants' basic inventive concept in paragraph 6, which states that is well known in the transportation art to renew endothermic materials, including liquid nitrogen, at an intermediate location during transport of refrigerated goods, substantially as claimed with the exception of transporting an imaging machine.

Laskaris shows this feature to be old in the transportation art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Laskaris to modify the transportation method disclosed in the prior art section of Vince et al which replaces endothermic material at an intermediate location during transport by adding cryogen to an imaging machine to ensure that the device arrives at its final destination in an operative state. In regard to claim 28, it is considered common sense not to deliver an item that may be damaged by temperature extremes until the recipient is prepared to receive the item. In regard to claim 29, it is considered well within the scope of the ordinary practitioner to use enough refrigerant to maintain the temperature of the device until further coolant is available, without wasting resources by using too much refrigerant, which would increase shipping costs unnecessarily.

Claims 24,26,32 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vince et al in view of Laskaris as applied to claims 20,21,25,27-31, and 33-35 above, and further in view of Storey et al.

Vince et al, as modified, discloses applicant's basic inventive concept, a shipping method for an imaging device which replaces cryogen at an intermediate location, substantially as claimed, with the exception of remotely sensing the refrigeration of the

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system. Storey et al shows this feature to be old in the transportation cooling system art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention from the teaching of Storey et al to modify the shipping system of paragraph 6 of Vince et al by using a remote sensing system to determine the refrigeration needs and conditions for the material getting transported. The device of Storey et al will not function without a program (to send the parameters to the central location and to receive and act upon the received instructions), so the program, such as claimed in claim 32, is seen as inherent to the functioning of the device.

Allowable Subject Matter

Claims 22 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-11, 14-17 and 19-40 have been considered but are moot in view of the new ground(s) of rejection.

Storey et al provides the teaching for a remotely controlled transport refrigeration system. Vince et al teaches that intermediate addition of endothermic material is known in the art. These new references are seen to teach all that is lacking in the earlier references. The examiner regrets the removal of the allowability for some of the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Palm shows a system for a refrigerated transport with remote


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controls (the cab of the truck). Bruce shows a cooled shipping container and states in the specification that the container can be refrozen at an intermediate point in the journey.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Doerrler whose telephone number is (571) 272-4807. The examiner can normally be reached on Monday-Friday 6:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William C Doerrler
Primary Examiner
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WCD